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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/913,464 | 08/15/2001 | Loic Ollivier | Q65563 | 2414 |

7590 11/10/2003
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| EXAMINER |
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UBILES, MARIE C

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| ART UNIT | PAPER NUMBER |
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2642

DATE MAILED: 11/10/2003

21

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,464

Applicant(s)

OLLIVIER ET AL.

Examiner

Marie C. Ubiles

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the language used to describe the invention is indefinite. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2,5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) On claim 1, line 3, the phrase "managing it" was used. It is not clear to the examiner, to which of the previously mentioned elements the applicant is referring.

b) On claim 1, lines 13-14, the phrase "which is then the destination unit". It is not clear to the examiner, if the "destination unit" is a new element or another term for element "management logic unit".

c) On claim 1, lines 13 and 17-18, the term "unit" was used. It is not clear to the examiner, if the applicant is referring to the "telephone subscriber terminal unit", "management logic unit" or "destination unit".

c) On claim 2, line 5, the phrase "through the intermediary of the unit" was used. It is not clear to the examiner, if the "intermediary of the unit"

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is a new element.

d) On claim 5, lines 2 and 9, the term 'type' was used. The term "type" is indefinite, because it is not clear to the examiner what the applicant means by "local exchange type".

e) On claim 5, line 5, the phrase "managing them" was used. It is not clear to the examiner, to which of the previously mentioned elements the applicant is referring to.

f) On claim 5, line 18, the term "unit" was used. It is not clear to the examiner, if the applicant is referring to the "telephone subscriber terminal unit" or "management logic unit".

g) On claim 6, line 2 and 9, the term 'type' was used. The term "type" is indefinite, because it is not clear to the examiner what the applicant means by "telephone subscriber terminal unit type".

h) On claim 6, lines 8 and 17, the term "it" was used. It is not clear to the examiner, to which of the previously mentioned elements the applicant is referring.

The examiner requests the applicant to clarify the information stated above.

3. Regarding claim 1, on line 3, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

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4. Claim 1 recites the limitation "said unit" in line 16. Claim 5 recites the limitation "said unit" in line 16. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Catanzaro et al. (US 5,502,727).

As for claim 1, Catanzaro et al. discloses a method for information transmission (See Background of the Invention, Col.1, lines 27-30) between a local exchange or Public Switched Telephone Network (PSTN) (See Figure 1, element 103) and a telephone subscriber terminal unit or telephone terminal or enhanced phone (See Figure 2, element 101) having hardware and software processing means (See Figure 2, elements 220, 240 260 and 280). Command or information messages or control signals are sent from the local exchange or PSTN (See Summary of the Invention, Col. 1, lines 34-39 and 49-51) to the enhanced phone, via analog lines (See Figure 1, elements 102 and 104).

Cantazaro et al. further discloses, that the control signals are sent simultaneously via the analog line (See Figure 1, elements 102 and 104) with speech or voice signals (See Detailed Description, Col. 10, lines 24-28) and signaling (See Detailed Description,

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Col. 10, lines 18-22). These signals (voice, signaling and control) are coded so they can be transmitted from the local exchange or PSTN (See Figure 1, element 103) through the analog line (See Figure 1, elements 102 and 104) and into the enhanced phone (See Figure 2, element 101). The enhanced phone receives the signals, which are then transcoded and interpreted (See Detailed Description, Col. 2, lines 50-56).

Claims 5-6 are rejected for the same reasons as claim 1.

As for claim 2, Cantazaro et al. discloses a method wherein sending information or image transmission messages to the telephone subscriber terminal or enhanced phone (See Figure 2, element 101) from the local exchange or PSTN (See Figure 1, element 103) follows a command effected by a user (See Detailed Description, Col. 3, lines 11-14 and 23-24).

As for claim 3, Cantazaro et al. discloses a method for information transmission wherein information messages or a plurality of images content is at least temporarily stored at the telephone subscriber terminal unit or enhanced phone (See Detailed Description, Col. 2, lines 42-45).

As for claim 4, Cantazaro et al. discloses that the messages are command transmission or control signal messages (See Summary of the Invention, Col. 1, lines 49-51).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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Wagner et al. (US 5,761,292) teaches "means for transmitting and receiving control information with voice information and computer data via a single standard telephone line." (See Summary of the Invention, Col. 2, lines 30-32).

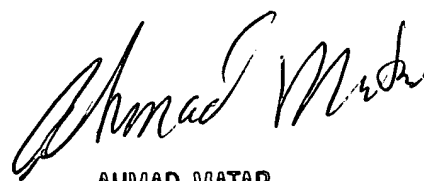
Asakura (JP 3631984467 A) teaches "to communicate a voice signal and a data signal simultaneously through one piece of analog subscriber's line by using the effective frequency band of a telephone communication network [...]"

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7201 for regular communications and (703) 305-7201 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Marie C. Ubiles
October 24, 2003


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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